

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/881,662
Attorney Docket No. Q64982

REMARKS

Claims 1-40 have been examined and are rejected. Specifically, claims 1-12, 14-15, 26-31 and 33-40 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,312,115 to Hara et al. (hereinafter “Hara”) in view of Japanese Patent Publication No. 10-305590 to Kurihara et al. (hereinafter “Kurihara”); claims 13 and 16-25 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hara in view of Kurihara, and further in view of U.S. Patent No. 4,419,242 to Cheng et al. (hereinafter “Cheng”); and claim 32 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hara in view of Kurihara, and further in view of U.S. Patent No. 6,302,531 to Usui et al. (hereinafter “Usui”).

Claim 1 states, *inter alia*, that “said piezo-electric device has a vibrating portion which comes into contact with said liquid in said liquid container via said cavity, said cavity defining an area of said vibrating portion.” Claim 1 also states that “said consumption condition is detected based on a signal output from said piezo-electric device, said signal indicating a residual oscillating state of said vibrating portion.”

It is respectfully submitted that Hara and Kurihara, alone or in combination, fail to teach or suggest these features of claim 1. Accordingly, claim 1 is not rendered obvious by the proposed combination of Hara in view of Kurihara. Claim 14 is not rendered obvious by the proposed combination of Hara in view of Kurihara for analogous reasons. Consequently, claims 2-12, 15, 26-31 and 33-40 are patentable over the proposed combination of Hara in view of Kurihara, at least by virtue of their dependency.

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Furthermore, it is respectfully submitted that Cheng does not make up for the exemplary deficiencies of Hara and Kurihara, as described above for claim 1, which are also applicable to claim 19. Accordingly, it is respectfully submitted that claim 19 is patentable over the proposed combination of Hara in view of Kurihara, and further in view of Cheng. Consequently, claims 13, 16-18 and 20-25 are patentable over the proposed combination of Hara in view of Kurihara, and further in view of Cheng, at least by virtue of their dependency.

Additionally, Usui fails to make up for the exemplary deficiencies of Hara and Kurihara, as described above for claim 14. Consequently, claim 32 is patentable over the proposed combination of Hara in view of Kurihara, and further in view of Usui, at least by virtue of its dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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